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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 SYNCHROME TECHNOLOGY, INC., a
13 Nevada Corporation,

Civil Action No. 2:10-cv-721

14 Plaintiff,

15 v.

**COMPLAINT FOR
PATENT INFRINGEMENT**

16 MICROSOFT CORPORATION, a
Washington corporation; NEC
17 CORPORATION OF AMERICA, a California
corporation,

(JURY DEMAND)

18 Defendants.
19 _____/

20 Plaintiff Synchrome Technology, Inc. ("Synchrome") alleges the following in support of
21 its Complaint for Patent Infringement and Demand for Jury Trial ("Complaint") against
22 Defendant Microsoft Corporation ("Microsoft") and Defendant NEC Corporation of America
23 ("NEC") (collectively referred to as "Defendants").

24 **JURISDICTION**

25 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
26 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C.
27 § 271 et seq. This Court has personal jurisdiction over Defendants because they have committed
28

1 acts within Nevada and this judicial district giving rise to this action.

2 VENUE

3 2. Defendants have committed acts within this judicial district and the Southern
4 Division of the District of Nevada giving rise to this action and do business in this district and
5 division, including one or more of the infringing acts of manufacturing, selling, offering for sale,
6 using and advertising their infringing products, and providing service and support to their
7 respective customers in this district and division. Venue is proper in this district and division
8 pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b), and Local Rule IA 8-1(a).

9 PARTIES

10 3. Plaintiff Synchome is a corporation organized and existing under the laws of the
11 State of Nevada and has its principal place of business at 5348 Vegas Drive, No. 567, Las Vegas,
12 Nevada 89108.

13 4. Upon information and belief, Defendant Microsoft is a corporation duly organized
14 and existing under the laws of the State of Washington, and having a principal place of business
15 at One Microsoft Way, Redmond, Washington 98052.

16 5. Upon information and belief, Defendant NEC is a corporation duly organized and
17 existing under the laws of the State of California, and having a principal place of business at 6535
18 N. State Highway 161, Irving, TX 75039.

19 COUNT 1

20 (Patent Infringement)

21 6. Paragraphs 1 – 5 of the Complaint set forth above are incorporated herein by
22 reference.

23 7. On September 1, 1998, United States Patent No. 5,802,398 (“the ‘398 Patent”)
24 entitled “Method and Apparatus for Allowing Communication Between a Host Computer and At
25 Least Two Storage Devices Over a Single Interface” was duly and legally issued to Faan-Hoan
26 Liu and Jorge Gustavson. All rights and interests in the ‘398 Patent were assigned to Synchome
27 Technology, Inc. A true and correct copy of the ‘398 Patent is attached hereto as Exhibit A.

28 8. Synchome is the full and sole owner of the ‘398 Patent.

1 9. On October 16, 2001, United States Patent No. 6,304,925 (“the ‘925 Patent”)
2 entitled “Method and Apparatus for Allowing Communication Between a Host Computer and At
3 Least Two Storage Devices Over a Single Interface” was duly and legally issued to Faan-Hoan
4 Liu and Jorge Gustavson. All rights and interests in the ‘925 Patent were assigned to Synchrome
5 Technology, Inc. A true and correct copy of the ‘925 Patent is attached hereto as Exhibit B.

6 10. Synchrome is the full and sole owner of the ‘925 Patent.

7 11. Upon information and belief, Microsoft sold, offered for sale, used and advertised
8 its “Xbox” product in this judicial district.

9 12. Upon information and belief, NEC sold, offered for sale, used and advertised its
10 ND-3550A product in this judicial district.

11 13. Upon information and belief, Microsoft has infringed under 35 U.S.C. § 271 the
12 ‘398 and ‘925 Patents (collectively the “patents-in-suit”). The infringing acts include, but are not
13 limited to, manufacturing, selling, offering for sale, using and advertising the above-identified
14 “Xbox” product that is covered by one or more claims of the patents-in-suit.

15 14. Upon information and belief, NEC has infringed under 35 U.S.C. § 271 the
16 patents-in-suit. The infringing acts include, but are not limited to, manufacturing, selling,
17 offering for sale, using and advertising optical disc drives, of which the above-identified ND-
18 3550A product is one example, that are covered by one or more claims of the patents-in-suit.

19 15. Defendants’ acts of infringement have caused damage to Synchrome. Under 35
20 U.S.C. § 284, Synchrome is entitled to recover from Defendants the damages sustained by
21 Synchrome as a result of Defendants’ infringement of the patents-in-suit.

22 PRAYER FOR RELIEF

23 WHEREFORE, Synchrome respectfully requests that this Court enter judgment against
24 Defendants as follows:

25 (a) For judgment that Defendants have infringed and continue to infringe the patents-
26 in-suit;

27 (b) For damages to be paid by Defendants adequate to compensate Synchrome for
28 their infringement, including interests, costs and disbursements as the Court may deem

appropriate under 35 U.S.C. § 284;

(c) For judgment finding that Defendants' infringement was willful and deliberate, entitling Synchrome to increased damages under 35 U.S.C. § 284;

(d) For judgment finding this to be an exceptional case, and awarding Synchrome's attorney fees and appropriate costs under 35 U.S.C. § 285; and

(e) For such other and further relief at law and in equity as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Synchrome hereby demands a jury trial on all issues triable by jury.

Dated: May 17, 2010

By: /s/ Michael D. Rounds
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